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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

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IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE TO :  
PRACTICE DENTISTRY IN THE STATE :  
OF NEW JERSEY OF :

Administrative Action

DR. SIDNEY SIMON :

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FINAL DECISION AND ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the filing of an Order to Show Cause Why License Should Not Be Suspended or Revoked For Failure to Comply With a Final Board Order by Deborah T. Poritz, Attorney General of New Jersey, by Kathy Rohr, Deputy Attorney General. In support of the motion was attached the Certification of Agnes M. Clarke and appended thereto was the Final Order entered by the Board on January 3, 1995 in which the Board determined that respondent failed to complete twenty continuing education credits as required for biennial license renewal for the period 1993 to 1995, in violation of N.J.S.A. 45:6-10.1 and N.J.A.C. 13:30-8.18 and in which respondent was assessed a civil penalty of \$500. These pleadings alleged that Dr. Simon failed to comply with the terms of the Final Order entered on January 3, 1995.

A hearing was held before the Board on September 6, 1995. Deputy Attorney General Kathy Rohr appeared on behalf of the complainant, and respondent failed to appear, the Attorney General having advised the Board that respondent was properly served the Order to Show Cause by certified mail, which was acknowledged by a receipt for certified mail.

### DISCUSSION

The following documentation items are part of the record in this matter:

S-1 Order To Show Cause Why License Should Not Be Suspended Or Revoked For Failure To Comply With A Final Board Order, entered by the Board on July 10, 1995; Certification of Agnes M. Clarke, dated July 10, 1995; Receipt for Certified Mail, date of delivery not stamped; Final Order entered by the Board on January 3, 1995.

DAG Rohr discussed the procedural history of this matter. She stated that the Board had issued a Uniform Penalty Letter (UPL) to respondent for failing to complete twenty (20) credits of continuing education for the 1993-1995 biennial licensing period and assessing a civil penalty of \$500.00 for this violation.

Thereafter, when respondent failed to complete the required continuing education credits or pay the civil penalty as set forth in the Uniform Penalty Letter, on January 3, 1995 the Board entered a Final Order in which respondent was assessed a civil penalty of \$500 and said Order was deemed to be a first offense for respondent pursuant to N.J.S.A. 45:6-10.8 for failing to complete twenty continuing education credits as required by the Dental Practice Act. Based upon respondent's continuing failure to respond to this matter, the Board authorized the issuance of an Order To Show Cause for the suspension or revocation of respondent's dental license for the failure to comply with the Final Order of the Board. DAG Rohr stated to the Board that respondent had been properly served with notice of the Order to Show Cause as evidenced by the receipt for certified mail.

DAG Rohr urged the Board to suspend or revoke the license of respondent in light of the continuing failure of respondent to respond to the UPL, the Final Order and the Order To Show Cause.

After hearing the argument of DAG Rohr, the Board conducted its deliberations in Executive Session on September 6, 1995. On consideration of the record herein, the Board finds that Dr. Simon violated N.J.A.C. 13:30-8.18 since he has not completed the continuing education during the required period. The Board further concludes that Dr. Simon has not paid the civil penalty of \$500 imposed by the Final Order entered by the Board on January 3, 1995.

IT IS, THEREFORE ON THIS 20<sup>th</sup> DAY OF SEPTEMBER, 1995,

**ORDERED THAT:**

1. Dr. Simon's license to practice dentistry in the State of New Jersey shall be and hereby is actively suspended for a period of thirty (30) days effective ten (10) days from the date of service of this Order. Respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of active suspension by other licensees for his patients.

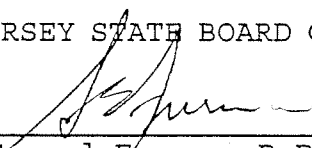
2. Dr. Simon is hereby assessed a civil penalty in the amount of Five Hundred (\$500) Dollars. Respondent shall pay the Five Hundred (\$500) Dollar penalty within the thirty (30) day suspension period. In the event respondent fails to pay the civil penalty within the required thirty (30) day period, the suspension of respondent's license to practice dentistry in the State of New Jersey will continue until such time as the civil penalty is paid. The civil penalty shall be submitted by certified check or money order made payable to the

State of New Jersey and submitted to the State Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07102.

3. Dr. Simon is hereby assessed the costs to the State for these proceedings. Upon the receipt of an Affidavit of Costs setting forth the amount of the costs of these proceedings, said costs shall be made payable to the State of New Jersey and submitted to Agnes Clarke, Executive Director of the Board of Dentistry within fifteen (15) days of the receipt of the Affidavit of Costs.

NEW JERSEY STATE BOARD OF DENTISTRY

By: \_\_\_\_\_

  
Samuel Furman, D.D.S.  
President